

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 17-14607**
John C. Roe : **Chapter 13**
: **Judge Jean K. FitzSimon**
Debtor(s). : *********

OBJECTION TO DEBTOR'S CHAPTER 13 PLAN

Now comes Well Fargo Bank, N.A. ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a second mortgage lien upon the Debtor's real estate located at 425 Virginia Ave., Haverford Township, PA 19083.
2. The pre-petition arrears amount that Creditor has calculated for inclusion in its claim is approximately \$8,979.39, and Debtor's Plan proposes to cure the arrears amount by way of a loan modification. However there is currently no approved or pending loan modification agreement between the Debtor and Creditor.
3. Creditor requests that Debtor's Plan be amended to provide for a contingency in the event that a loan modification agreement is not reached.
4. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Kimberly A. Bonner

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Manley Deas Kochalski LLC

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Attorneys for Creditor

The case attorney for this file is Karina
Velter.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, 1234 Market Street, Suite 1813, Philadelphia, PA
19107

Scott F. Waterman, Attorney for John C. Roe, 110 West Front Street, Media, PA 19063,
scottfwaterman@gmail.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on August 11,
2017:

John C. Roe, 425 Virginia Avenue, Haverford Township, PA 19083

John C. Roe and Tara L. Roe, 425 Virginia Ave, Haverford Township, PA 19083

Wilmington Savings Fund Society, 15480 Laguna Canyon Road, Suite 100, CA 92618

DATE: 8/11/17

/s/ Kimberly A. Bonner

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